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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FERNANDO TAPIA-MORALES,

Defendant.

CASE NO.: 2:22-mj-00026-DJA

ORDER TO CONTINUE TRIAL

(Third Request)

IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER BURTON, ESQ., Assistant United States Attorney, counsel for the United States of America, and ERICK M. FERRAN, ESQ., counsel for Defendant FERNANDO TAPIA-MORALES, that the Trial date in the above-captioned matter, currently set for December 28, 2022, at 9:00 a.m., be continued for thirty (30) days or to a time convenient to this Honorable Court.

This stipulation is entered into for the following reasons:

1. Counsel for the Defendant needs additional time to prepare for trial in the case, including conducting legal research and review of the discovery. The Parties also need additional time to continue exploring full resolution of the matter without going to trial; counsel for Defendant has made a counter-offer which the United States is considering.

2. Defense Counsel and Assistant United States attorney are currently in negotiations;
3. Defendant Tapia-Morales is not in custody and does not object to the continuance.
4. All parties involved agree to the continuance.
5. This is the third request for a continuance of trial.
6. Denial of this request for continuance would result in a miscarriage of justice.
7. This request for a continuance is made in good faith and is not intended to delay the proceedings in this matter.
8. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
9. For all the above-stated reasons, the ends of justice would be best served by a continuance of the trial date.

DATED this 27th day of December, 2022

/s/ Erick M. Ferran, Esq.
ERICK M. FERRAN, ESQ.
Counsel for Defendant

/s/ CHRISTOPHER BURTON, ESQ.
CHRISTOPHER BURTON, ESQ.
Assistant United States Attorney

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

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FINDINGS OF FACT

Based on the pending Stipulations of the parties, and good cause appearing therefore, the Court finds that:

1. Counsel for the Defendant needs additional time to prepare for trial in the case, including conducting legal research and review of the discovery. The Parties also need additional time to continue exploring full resolution of the matter without going to trial; counsel for Defendant has made a counter-offer that the United States is considering.
2. Defendant TAPIA-MORALES is not in custody and does not object to the continuance;
3. All parties involved agree to the continuance;
4. This is the third request for a continuance filed herein;
5. Denial of this request for continuance would result in a miscarriage of justice.
6. This request for a continuance is made in good faith and is not intended to delay the proceedings in this matter.

ORDER

IT IS ORDERED that the trial scheduled for December 28, 2022, at 9:00 a.m., be continued.

IT IS FURTHER ORDERED that the Trial in this matter be scheduled for March 8, 2023, at 9:00 a.m., Courtroom 3A.

DATED this 27th day of December, 2022.



UNITED STATES MAGISTRATE JUDGE